

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

IPCOM GMBH & CO. KG,

Plaintiff,

V.

SPRINT SPECTRUM L.P., et al

Defendants.

Case No. 2:20-cv-00321-JRG

**MINUTES FOR PRETRIAL CONFERENCE
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
March 14, 2022**

OPEN: 10:04 AM

ADJOURN: 12:50 PM

ATTORNEYS FOR PLAINTIFF:

See attached

ATTORNEYS FOR DEFENDANTS:

See attached.

ATTORNEYS FOR INTERVENORS:

See attached.

LAW CLERKS:

Tom Derbish
Patrick Clark

COURT REPORTER:

Shawn McRoberts, RMR, CRR

COURTROOM DEPUTY:

Andrea Brunson, CP

<u>TIME</u>	<u>MINUTES</u>
10:04 AM	Court opened.
10:05 AM	Court called for announcements from counsel.

TIME	MINUTES
10:06 AM	Court provided instructions and housekeeping matters to the parties. If needed, a second day for pretrial conference has been scheduled for tomorrow, March 15, 2022. Trial will begin on Monday, April 18, 2022, following empanelment of jury. Eight jurors will be selected. Peremptory strikes: Four per side. Counsel will be given 30 minutes per side for <i>voir dire</i> . The parties will be given 12 hours per side for the jury trial portion. Opening will be 30 minutes per side. Closings will be 40 minutes per side. Court to be notified by 10:00 PM each night of disputes/objections not resolved through meet and confer efforts. Three (3) jointly prepared three-ring binders with disputed information are to be submitted to the Court by 7:00 AM the following day. The Court will be available in chambers by 7:30 AM every morning to take up any housekeeping matters or late-arriving disputes that might come up during trial. Deposition-clip objections and/or disputes are to be taken up by the Court the day before the day such deposition is to be used. Court encouraged the parties to utilize the meet and confer process during the course of the trial to resolve disputes. It is the Court's intention to bring the jury in every morning at 8:30 AM. Lunch will be brought in daily for the jurors. Rule 50(a) motions will be heard by the Court after all the evidence is in and Plaintiff rests any rebuttal case. Court will hold an informal charge conference (off the record) after the close of evidence. Formal charge conference will follow thereafter and on the record. Court instructed counsel not to refer to individuals by their first names, and to advise their respective witnesses re: same. Counsel instructed counsel to refer to the Court's Standing Order re: the sealing of the courtroom re: confidential or highly sensitive testimony. Court instructed the parties to follow the instructions from Deputy Clerk in Charge, Mrs. Kecia Clendening re: receipt, review and return of the Juror Questionnaires. Parties to be prepared every morning of trial to read into the record those exhibits used prior day. Twelve juror notebooks to be delivered to chambers no later than 12:00 noon on Wednesday, April 13, 2022. Notebooks to contain: Complete copies of each patent-in-suit (single-sided); claim construction chart (single-sided); page for each witness with a head and shoulder photograph, name and ruled lines for notetaking; three-hole punch notepad for further notes and a non-clicking pen. Each witness page should be tabbed for easy navigation. A reminder that expert witnesses are confined to the four corners of their report.
10:28 AM	Court recognized agreement of the parties per their meet and confer efforts.
10:29 AM	Counsel confirmed on the record agreement of the parties.
10:39 AM	Court proceeded with hearing argument re: disputed dispositive motions:
10:39 AM	[SEALED] Sprint and T-Mobile Defendants' Motion for Summary Judgment of Non-Infringement by Express or Implied License (Dkt. No. 129) and [SEALED] Sprint and T-Mobile Defendants' Motion for Judgment on the Pleadings for Lack of Prudential Standing (Dkt. No. 128).
10:40 AM	Courtroom sealed
10:41 AM	Mr. Lowery presented argument for Defendants.
11:00 AM	Responsive argument by Mr. Black for Plaintiff.
11:07 AM	Rebuttal argument presented by Mr. Lowery for Defendants.
11:09 AM	Courtroom unsealed.
11:09 AM	Court DENIED both Dkt. No. 129 and Dkt. No. 128.

TIME	MINUTES
11:11 AM	Court heard argument re: [SEALED] Sprint's Rule 702 and <i>Daubert</i> Motion to Exclude the Sprint-Specific Alternative Damages Theory of Mr. Walter Bratic (Dkt. No. 130).
11:12 AM	Mr. Finkelson presented argument for Defendants.
11:25 AM	Courtroom sealed.
11:26 AM	Mr. Finkelson's argument for Defendants continued.
11:30 AM	Courtroom unsealed.
11:31 AM	Mr. Finkelson's argument for Defendants continued.
11:33 AM	Responsive argument by Mr. Black for Plaintiff.
11:35 AM	Courtroom sealed.
11:35 AM	Mr. Black's responsive argument for Plaintiff continued.
11:40 AM	Rebuttal argument presented by Mr. Finkelson for Defendants.
11:42 AM	Courtroom unsealed.
11:42 AM	Court DENIED Dkt. No. 130.
11:45 AM	Conclusion of argument re: dispositive motions.
11:45 AM	Court proceeded to hear argument re: parties' remaining objections to MILs.
11:46 AM	Defendants' MIL 2 and Defendants' MIL 6: Argument presented.
11:57 AM	Court made rulings as set forth in the record re: Defendants' MIL 2 and Defendants' MIL 6.
12:03 PM	Defendants' MIL 4 and Defendants' MIL 7: Argument presented.
12:06 PM	Court ruling: Defendants' MIL 4 and Defendants' MIL 7: DENIED
12:06 PM	Defendants' MIL 5: Argument presented.
12:10 PM	Court ruling: Defendants' MIL 5: GRANTED-IN-PART and DENIED-IN-PART with instructions as set forth in the record.
12:13 PM	Conclusion of argument re: MILs.
12:13 PM	Court directed counsel to meet and confer re: exhibit disputes in light of today's rulings.
12:14 PM	Recess.
12:33 PM	Court reconvened.
12:34 PM	Agreement re: exhibits reached.
12:35 PM	Court began hearing the following arguments re: objections to remaining exhibits.
12:35 PM	Group 9: Argument presented.
12:38 PM	Court: Pre-admitted documents in Group 9.
12:39 PM	Group 12: Argument presented.
12:43 PM	Court: Sustained objection but may be used as a demonstrative.
12:49 PM	Arguments concluded.
12:50 PM	Pretrial process completed.
12:50 PM	Court adjourned.